

Minutes of Regular Meeting of February 12, 2013

SPECIAL MEETING

CLOSED SESSION 7:00 P.M.

Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(d)(2)):
Claim of BFI Waste Systems / Allied Waste (November 8, 2011)

Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)):
Sarraille vs. City of Belmont, San Mateo Superior Court No. CIV 518919

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Warden, Lieberman (arr. 7:05 p.m.) City Manager Scoles, City Attorney Rennie. Deputy City Clerk Plut was excused from attending.

RECESS: at this time being 7:55 P.M. (Closed Session continued to after the regular meeting)

Jozi Plut

Deputy City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING

CALL TO ORDER 8:00 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Braunstein, Warden, Wozniak

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Deputy Fire Chief Gaffney, Community Development Director de Melo, Finance Director Fil, Deputy Finance Director Lazzari, Public Works Director Oskoui, Police Lieutenant Psaila, City Treasurer Violet, Deputy City Clerk Plut

PLEDGE OF ALLEGIANCE

Led by Deputy City Clerk Plut.

REPORT FROM CLOSED SESSION

City Manager Scoles reported that no action was taken during the Closed Session held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Anna Marie Janky, Mayors for Meals, invited the Mayor and City Council to participate in an upcoming Mayors for Meals event.

Kathy Hamilton, Community Coalition on High Speed Rail, requested the Council's consideration of participating in an amicus brief and providing financial support for a law-suit against the High Speed Rail Authority with the position that bond money may not be used for any non-high speed rail projects.

Gail Gandolfi, Belmont Arts Council, thanked the City Council for its support of the Belmont Art Council.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Braunstein invited residents and teachers to attend an upcoming presentation on the "Personal Stories of Three Civil Rights Heroes" at the Carlmont Performing Arts Center.

Councilmember Feierbach commented that a recent open house generated many interested buyers even though no signs were posted by the Realtors. She thanked Coldwell Banker for supporting the Belmont Sign Ordinance.

Mayor Wozniak provided a brief summary of the City owned San Juan Properties Study Session held on January 29th. City Manager Scoles noted that the item will be on an upcoming Council Agenda and will include options that were discussed at the Study Session.

AGENDA AMENDMENTS

Deputy City Clerk Plut noted that members of the public requested the removal of Consent Item 8-A (Approval of Minutes of Special and Regular Meetings of January 8, 2013 and January 22, 2013, and Minutes of Study Session/Community Meeting of January 29, 2013) Councilmember Braunstein noted that he would be abstaining from the minutes of the City Council Meeting of January 29, 2013, since he

was absent. Councilmember Feierbach noted that she would be abstaining from the minutes of the City Council Meeting of January 8, 2013 since she was absent from part of the meeting.

ITEMS APPROVED ON CONSENT CALENDAR

Motion to Accept Monthly Financial Reports

Approval of Resolution 2013-016 of the City Council Accepting Work and Authorizing the Issuance of a Notice of Substantial Completion for the 2012 Capital Pavement Project, City Contract Number 2011-512

Approval of Resolution 2013-017 of the City Council Approving City of Belmont Investment Policy

Approval of Resolution 2013-018 of the City Council Establishing a 20-Foot and 30-Minute Parking Zone in Front of the Green Street Cleaners at 850 Emmett Avenue

Approval of Resolution 2013-019 of the City Council Approving a Professional Service Agreement (PSA) with RCC Consultants, Inc. for an Amount not to Exceed \$7,765 to Evaluate the Sprint/Nextel Proposal to Modify a Wireless Telecomm Facility at 2526 Hallmark Drive (Applicant Funded Study)

Approval of Resolution 2013-020 of the City Council Authorizing the City Manager to Execute a Professional Service Agreement Amendment with LSA Associates, Inc. for an Amount not to Exceed \$16,117 For Payment of Incurred Cost for the Monte Cresta Roadway Extension Project (Applicant Funded Study)

Approval of Resolution 2013-021 of the City Council Approving Work Order 001 with Frank, Rimerman Consulting for Implementation of BI360 Budget Software for an Amount not to Exceed \$17,500

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Warden, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Approval of Minutes of Special and Regular Meetings of January 8, 2013 and January 22, 2013, and Minutes of Study Session/Community Meeting of January 29, 2013

Aileen Turner, Belmont resident, thanked the Council and Staff for the San Juan Properties Study Session. She questioned the process and City's intent for the properties. She stated her wishes for the City to reconsider its original direction to staff to pursue an exclusive agreement with a developer. She stated support for agendaizing the item for Council discussion. She requested transparency for this project.

Jeanette Sacco-Belli, Friends of Open Space, requested that the City designate HRO1 and HRO2 zoned properties as open space.

Greg Bryant, Belmont resident commented on the minutes of January 8, 2013. He stated that a correction on the extension of the meeting should read 12:30 a.m. not p.m. He further expressed a desire to amend the minutes to include more detailed comments from Councilmembers during their discussion on sewer laterals.

Mayor Wozniak stated that she does not support amending the minutes as the comments that Mr. Bryant read may have been taken out of context.

Councilmember Warden stated the meeting minutes are not verbatim but a summary of the meeting. He is opposed to including any verbatim language unless the entire meeting is verbatim.

City Attorney Rennie noted that the Public Comment portion of the agenda is to provide comment and is not intended for dialogue and a reopening of an item.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, the Minutes of Special and Regular Meetings of January 8, 2013 and January 22, 2013, and Minutes of Study Session/Community Meeting of January 29, 2013 were approved, by a show of hands (3-2 Braunstein abstain for January 8, and Feierbach abstain from on January 8 and 29).

OTHER BUSINESS

Resolution of the City Council Approving a Professional Engineering Services Agreement with Whitlock and Weinberger Transportation, Inc. for an Amount not to Exceed \$250,000 and Authorizing \$10,000 Contingency for Additional Services not Included in the Scope of Work for the Ralston Avenue Corridor Study and Improvements Project

Public Works Director Oskoui stated that the Ralston Corridor Study has been identified as a Council Priority for the 2013 Fiscal Year, and the goal is to better manage current and future traffic demands on Ralston Avenue from Highway 92 to Highway 101. He stated that the Ralston corridor is best defined in three segments based on land use, physical design and operational performance. He noted that an average daily traffic count performed in 2010 indicates that 24,000 cars use the middle portion of the corridor and 38,000 in the eastern end of the corridor. He explained that Ralston Avenue is utilized by all modes of transportation including vehicles, transit, bicyclists and pedestrians. He explained that peak hour congestion is further exacerbated due to the variations in roadway widths and the number of lanes as

well unconnected segments of bicycle lanes and sidewalks and the presence of schools, businesses and homes all of which use the corridor for daily travel.

Public Works Director Oskoui stated that the purpose of the Ralston Avenue Corridor (RAC) study is to utilize a holistic approach to the corridor and make improvements throughout by efficiently integrating all available modes of transportation in order to optimize movement through the corridor. He further explained that the study will make recommendations to improve public safety in keeping with the City's Complete Street Policy as well as Safe Routes to School. A key element of the study will address the Grand Boulevard Initiative as well as Belmont Zoning. He stated that the study will develop recommendations for the Capital Improvement Program (CIP) and provide a framework for decision making for the needed CIP. He further explained that this will position the City to compete for Regional and State Grants to fund major improvement projects.

Public Works Director Oskoui stated that a panel of representatives from the County, Caltrans and City Staff recommended Whitlock and Weinberger Transportation Inc. as best qualified to conduct the RAC study. He noted that a budget and scope of work has been developed. He described the multi-phase approach and the timeline for this project.

In response to Councilmember Warden, Public Works Director Oskoui stated the study will evaluate all crossings on Ralston, signalized or not. He explained that those issues will be addressed in the project development and data collection in keeping with the Visioning and safety requirements of the General Plan.

City Attorney Rennie clarified that the General Plan is in the process of being updated and the proposed RAC study would aid in the update of the transportation element and can incorporate any changes that may need to be made. He noted that the data provided by the study will assist in the evolution of the transportation policy, or will enhance it.

In response to Council questions, Public Works Director Oskoui stated that the study will be funded in part by Measure A monies and the Traffic Mitigation Fund. He explained that although other agencies were included in selecting the consultant, the project would be solely funded by the City. He stated that geometric modifications address how a street is laid out. He noted that a City Ordinance adopted in 1970's prohibits the addition of lanes on Ralston between South Road and Alameda de Las Pulgas.

Councilmember Braunstein stated that he supports investing in the comprehensive project to avoid unintended consequences of a project-specific study. He requested that the data reflect school growth, emergency vehicle accessibility, traffic mitigation at Ralston Middle School, a fully operational Davis Drive, and safe crossing on Ralston Avenue at uncontrolled intersections.

Councilmember Warden stated that he does not support the expenditure of \$250,000 on the RAC study. He explained that additional traffic signals on Ralston Avenue will not solve the issues. He noted that many traffic studies have been conducted which concluded that there are too many cars on Ralston Avenue.

Councilmember Feierbach stated that she supports lowering the speed limit on upper Ralston and creating connectivity from the Ralston Avenue Bike Path to the Pedestrian Bike Bridge. She proposed negotiations with the Belmont Redwood Shores School District to implement more bus usage from the Redwood Shores area. She noted that there is little traffic on Ralston Avenue when school is not in session. She stated that there are many streets in Belmont that are in disrepair and should be a priority for funding. She suggested organizing a blue ribbon committee to analyze the needs on Ralston Avenue, and she does not support the study as presented.

Councilmember Lieberman stated that he supports the approach of the RAC study. He noted that the study identifies issues that the public wants addressed. He stated that the traffic on Ralston needs to be improved. He concurred that Belmont roads are in disrepair, and that taking funding from repair projects is not ideal. He explained that planning for the future requires data, and the proposed RAC study will provide an advantage to the City in the long term.

In response to Councilmember Lieberman, Public Works Director stated that the contract with Whitlock and Weinberger Transportation is a phased approach and that the first two phases can proceed which include data collection, analysis and draft alternatives at a cost of \$150,000.

Discussion ensued regarding traffic on Ralston.

Mayor Wozniak supports the study but not the expenditure of the large sum of funds. She explained that the study should focus less on vehicles and more on better movement of people through the City. She noted that a clear vision and further work by the City Council is needed before the study can proceed. She stated that a better way to transport students to and from schools is needed. She explained that City streets need to be made safer for pedestrians of all ages. She stated that demographics are changing and more people are choosing alternate modes of transportation, and those behaviors can be encouraged throughout the City by providing alternatives. She concluded that more front-end study is needed in the form of public outreach and community meetings.

Councilmember Warden stated that many people depend on cars and he does not support making it worse for them.

Public Works Director Oskoui clarified that the study will focus on the Corridor and is not solely a traffic study. He stated that it will address gaps in safety, and will facilitate better workability, bikability and connectivity. He noted that the schools will be part of the study.

Discussion ensued regarding the scope of the study.

ACTION: Councilmember Lieberman made a motion, seconded by Councilmember Braunstein, to authorize the approval of the Professional Engineering Services Agreement as presented in an amount not to exceed \$150,000 with a \$10,000 contingency and to ensure that the proposal is posted to the City's Website. By a show of hand the motion failed (2-3 Wozniak, Warden, Feierbach no).

Mayor Wozniak explained that she did not support Councilmember Lieberman's motion due to the study's lack of vision. She stated that more focus needs to be made on other modes of transportation.

ACTION: Councilmember Feierbach made a motion to use the proposed study as a floor plan for a community group to vet the ideas for the project.

Discussion ensued regarding the various modes of transportation.

Councilmember Braunstein stated that he supports the study so that the necessary data can be collected to move towards a solution. He noted that a study group would rely on their own perception of what they want rather than relying on professional help to come up with solutions.

Discussion ensued regarding forming a study group.

ACTION: Councilmember Warden made a motion, seconded by Councilmember Lieberman, to fund Phase I and Phase II using the community outreach meeting outlined in the proposal as study sessions, with the consultant taking responsibility to notice and advertise the meeting public meeting. Resolution 2013-022 of the City Council Approving a Professional Engineering Services Agreement with Whitlock and Weinberger Transportation, Inc. for an Amount not to Exceed \$150,000 and Authorizing \$10,000 Contingency for Additional Services not Included in the Scope of Work for the Ralston Avenue Corridor Study and Improvements Project was approved by a show of hands (3-2 Wozniak and Feierbach, no)

Mayor Wozniak stated that she supports the traffic study, but as an elected representative does not support expending funds unless a more focused plan presented. Councilmember Feierbach concurred.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal Report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Feierbach stated that she is unable to attend the Senior Advisory Committee meetings and is requesting an alternate to assume the assignment. Councilmember Lieberman accepted.

Mayor Wozniak unable to keep her commitment to Comute.Org and requested an alternate to assume the assignment. Councilmember Warden accepted.

Councilmember Warden announced that the Belmont Library has a balanced budget.

Councilmember Lieberman stated that he and Mayor Wozniak attended a recent Belmont-San Carlos Fire Commission meeting at which the budget was discussed. He noted that significant liabilities will be incurring due to CalPERS based on the department's inactive status. He explained that options are being discussed to minimize the impact.

Mayor Wozniak stated she participated in judging a recent 4-H contest at College of San Mateo. She attended a recent Regional Housing Needs Assessment (RHNA) meeting and a Commute.Org meeting at which a speaker from Genentech made a presentation on alternative commuting.

Councilmember Feierbach stated that she will be adding an item to the next agenda regarding the HRO1, HRO2 and HRO3.

Mayor Wozniak stated that she will add a High Speed Rail (HSR) item to the agenda for the purpose of reassessing the City of Belmont's position.

Verbal Report from City Manager

City Manager Scoles reported that Caltrain is holding an Open House scoping meeting on the Caltrain Modernization Project on February 27. He stated that City offices would be closed on February 18th

Presidents day, City Hall offices will be closed. He stated that at a recent all hands meeting Sergeant Pete Lotti was presented a medal of Valor for his actions in a recent life threatening situation. He also commended Sergeants Jim Christman, Robin Pitts, Detective David Lashley and Officer DeFrance Mclemore and dispatcher Dino Ferrari for their actions.

ADJOURN to closed session at this time being 10:03 P.M.

Jozi Plut

Deputy City Clerk

Meeting audio and videotaped.

CLOSED SESSION 10:10 P.M.

A. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(d)(2)): Claim of BFI Waste Systems / Allied Waste (November 8, 2011)

B. Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)): Sarraile vs. City of Belmont, San Mateo Superior Court No. CIV 518919

Attended by: Councilmembers Wozniak, Braunstein, Warden, Lieberman City Manager Scoles, City Attorney Rennie. Deputy City Clerk Plut was excused from attending

Absent: Feierbach

ADJOURNMENT at this time being 10:30 P.M.

Jozi Plut

Deputy City Clerk

This meeting was not tape recorded or videotaped